

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CESAR ALTIERI SAYOC,

Defendant.

18-cr-820 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On February 27, 2023, the Court received defendant Cesar Altieri Sayoc's pro se letter motion, in which he appears to petition for two forms of relief. First, he asks that the Court order his transfer from Federal Correctional Institution, Butner ("FCI Butner") -- the medium-security facility where he is currently being held -- to Federal Correctional Institution, Miami ("FCI Miami"), a low-security prison. Second, he requests that his sentence be reduced under 18 U.S.C. § 3582, otherwise known as the Compassionate Release Statute, on account of his age. Having carefully considered the arguments made in the defendant's letter motion, the Court denies his motion for the reasons set forth below.


First, the Court has no jurisdiction to order the defendant's transfer. It is well-established that federal courts have "no authority to order that a convicted defendant be confined in a particular facility" or order his transfer because "those decisions are within the sole discretion of the Bureau of Prisons." United States v. Williams, 65 F.3d 301, 307 (2d. Cir. 1995).

Second, absent "extraordinary and compelling reasons" that otherwise warrant a sentence reduction, only prisoners that are "at least 70 years of age" and who have "served at least 30 years in prison" are eligible for a sentence reduction under the age-related provision of 18 U.S. Code § 3582. See 18 U.S. Code § 3582(c)(1)(A)(ii). Mr. Sayoc, who is sixty years old and has served approximately four and a half years of his twenty-year sentence, plainly does not qualify for a sentence reduction under this provision of 18 U.S.C. § 3582. Further, he has not identified any "extraordinary and compelling reasons" that would justify a departure from these statutory requirements. Id. § 3582(c)(1)(A)(i).

In light of the foregoing, the Court hereby denies the defendant's motion in its entirety.

SO ORDERED.

New York, NY  
March 17, 2023

  
JED S. RAKOFF, U.S.D.J.